

**RESPONSE UNDER § 7 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1614**

Attorney Docket No. 5573-124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 28 2005

In re: Whittle et al.
Serial No.: 09/648,490
Filed: August 25, 2000
For: *FT-Raman Spectroscopic Measurement*

Confirmation No.: 5616
Group Art Unit: 1614
Examiner: Kwon

Date: February 18, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)

Sirs:

I, Jarett K. Abramson, am an attorney of record of the disclaimant, aaiPharma, Inc., and am authorized to execute this disclaimer on behalf of aaiPharma, Inc. The disclaimant, aaiPharma, Inc., having a principal place of business at 2320 Scientific Park Drive, Wilmington, NC 28405, is the owner of all right, title, and interest in the above-identified application by Assignment, a copy of Assignment as filed is enclosed.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 - 156, § 173, and any other relevant statutory provision of prior U.S. Patent No. 6,262,086, for claims 9-16, issued July 17, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on July 20, 2001, at Reel 11995, Frame 115; U.S. Patent No. 6,268,385, for claims 1-5, issued July 31, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on August 3, 2001, at Reel 12047, Frame 778; U.S. Patent No. 6,369,087, for claims 19-29, issued April 9, 2002, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on September 7, 2001, at Reel 12153, Frame 105; U.S. Patent No. 6,653,329, for claims 1-30, issued November 25, 2003, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on February 3, 2004, at Reel 14301, Frame 184; and U.S. Patent No. 6,667,324, for claims 1-4, issued December 23, 2003, as


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presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on February 3, 2004, at Reel 14301, Frame 184.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,369,087, 6,268,385, 6,262,086, 6,653,329, and 6,667,324. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U.S. Patent No. 6,369,087, 6,268,385, 6,262,086, 6,653,329, and 6,667,324 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,


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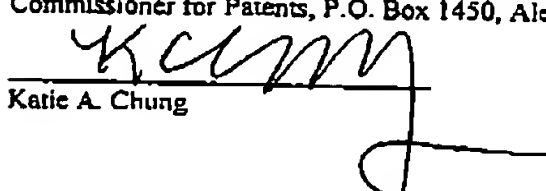
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Katie A. Chung